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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,276	09/16/2003	Timothy Patrick Cannella	1622(SURA)	5287

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EXAMINER

ALLEN, WILLIAM J

ART UNIT PAPER NUMBER

3625

MAIL DATE DELIVERY MODE

06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,276

Applicant(s)

CANNELLA ET AL.

Examiner

William J. Allen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 1-20 are pending and rejected as set forth below.

Response to Arguments

Applicant's arguments filed 4/27/2007 have been fully considered but they are not persuasive. Applicant contests that PTO 892 U fails to teach, among other features, providing “a publication that is dedicated to the organization”. The Examiner disagrees for at least the following:

The mere fact that Applicant has amended to recite the publication is “dedicated” to the organization (analogous to the buyer) does not move to distinguish the invention from the cited art. More specifically, the term “dedicated” as used in the claims by Applicant does not adequately convey such features as providing “an electronic bulleting board dedicated to a single organization” where the requirements listed are “those of one single organization” (Page 7 of Applicant’s remarks). When looking at the broadest reasonable interpretation, the Examiner asserts that PTO 892 U does indeed teach a system that is dedicated to the buyer. Merriam Webster’s Collegiate Dictionary, Tenth Edition, defines the term dedicated as “devoted to a cause, ideal or purpose”, or “given over to a particular purpose”. In this respect, by facilitating the publication of a buyer’s requirements and further facilitating interaction with potential suppliers (i.e. those who respond to the published request) using the publicized requirements, PTO 892 U teaches a system that is devoted to the buyer meeting his/her requirements, and thereby teaches a system that is dedicated to the buyer.

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Additionally, Applicant is reminded that, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is further noted that Applicant relies heavily on features such as “an electronic bulleting board dedicated to a single organization” and posting requirements “of one single organization” which are not recited in the rejected claim(s). To reiterate, though these features attempt to further define Applicant’s invention, they do not move to distinguish the claim from the cited art as they are not recited in the claim and thus are not read into the claim.

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 1. Claims 11-20 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The Examiner notes that in independent claim 11, the preamble recites “a database that is stored and executed”. This claim is thereby directed to “a database”, which is simply a compilation or mere arrangement of data. The database in itself has no structural interrelation nor does it impart functionality to the invention, and is therefor considered to be data per se and is nonfunctional descriptive material. Please refer to the Office Action mailed 4/2/2007 for more detail. See MPEP 2106.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-9, 11-15, 18, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over PTO 892 reference U in view of Yamaoka et al. (US 20010029473).

Regarding claim 1, PTO 892 U teaches:

categorizing the buyer's requirements into categories that are easily recognizable to the vendors, wherein each category includes one or more items required by the buyer, and further wherein an item is a product or service required by the buyer (see at least: Page 1); The Examiner notes that a buyer's request is categorized into multiple main categories (see A, B, and C) with associated subcategories (see a, b, c, d, e, f, g, h, I, j, k, and l);

electronically publishing the buyer's requirements in a publication that is dedicated to the organization, wherein each item within the categories includes a name, a description, a contact person and one or more relevant dates, wherein a name of the contact person is presented as a hyperlink to an e-mail account of the contact person (see at least: Pages 2-11); The Examiner notes that the electronic publication includes a user name of the contact person (which is the hyperlinked email address of the user; see AA pages 7 and 8) , a relevant date (see BB pages 7 and 8), and a description (see CC pages 7 and 8);

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posting all forms and information necessary for the vendors to conduct business with the buyer, including requests for information, quotes and proposals, in a format that allows editing of the forms by the vendors and submission of an edited form to the buyer electronically (see at least: Pages 7-9); The Examiner notes that all the information that that is necessary is posted in the listing. Those listings include requests for information, quotes, proposals, etc. (see Pages 1, 7, and 8; Pages 7 and 8 show a request for a proposal). The hyperlinked user name is posted at the top of the page and provides the respondent/vendor to the only form necessary to conduct business with the buyer (see Page 9). The email form allows for data entry into fields E and F (i.e. the email form *allows editing of the forms by the vendors and submission of an edited form to the buyer electronically*).

creating a registration section that allows the vendors to register with the buyer, wherein after registration the vendors can receive electronic notifications concerning any item specified by the vendors during registration (see at least: Pages 7-9); The Examiner notes that by submitting a response to the buyer, the respondent/vendor *registers* with the buyer. Subsequently, vendors can receive electronic notifications concerning any item specified by the vendors during registration via reply emails.

wherein the buyer's requirements, the forms and information necessary to conduct business with the buyer, and the registration section are included in the electronic publication (see at least: Pages 7-9).

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Though PTO 892 U teaches such features and further teaches where businesses can use to advertise on the site (see at least: Page 1 (C-I)), it is not explicitly taught where the buyers posting requirements are organizations.

In the same field of endeavor, Yamaoka teaches a bulletin boards system where an employee of a company acts as a buyer to purchase certain parts and materials for an organization (see at least: 0008, 0015-0017, 0189, 0191, 0191). Thereby, Yamaoka teaches where a *buyer* is also an *organization*. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of PTO 892 U to have included where a *buyer* is also an *organization* as taught by Yamaoka in order to provide an information system that facilitates the quick and efficient procurement of parts worldwide for a buying company (see at least: abstract, 0190).

Regarding claim 2, PTO 892 U in view of Yamaoka teaches *updating the description of an item and the forms necessary for the vendors, by the buyer at any time* (see at least: Pages 14-G and 15-H).

Regarding claim 3, PTO 892 U in view of Yamaoka teaches *posting to the publication drawings, figures, and pictures for viewing an possible downloading by the vendors, wherein the drawings, figures and pictures aid in conveying the buyer's requirements to the vendors* (see at least: Page 16-K).

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Regarding claims 4 and 14, PTO 892 U in view of Yamaoka teaches all of the above and further teaches wherein one of the categories is *services* (see at least: Page 1-C). PTO 892 U in view of Yamaoka, however, does not teach the categories *construction and supplies*. Though PTO 892 U in view of Yamaoka does not expressly show the categories *construction and supplies*, these differences are only found in the nonfunctional data regarding the naming of the various categories. The specific type of category is not functionally related to the substrate of the article of manufacture, thereby, this is descriptive material and does not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention include any category in the article of manufacture as shown by PTO 892 U in view of Yamaoka because such data does not functionally relate to the substrate of the article of manufacture and merely labeling the categories differently from that in the prior art would have been obvious. See *In re Gulack* cited above.

Regarding claim 5, PTO 892 U in view of Yamaoka teaches *wherein the electronic notification received by vendors that registered with the buyer comprises an e-mail message, an instant message, a text message, or a facsimile* (see at least: Pages 7-9). The Examiner notes that communication is facilitated by email.

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Regarding claims 8 and 9, PTO 892 U in view of Yamaoka teaches:

(8) wherein the buyer is able to add and delete information and pages to the electronic publication at any time (see at least: Pages 14-I, 15-J to 16-J, 16-L to 17-L, and 21-M). The Examiner notes that a buyer can add or delete any information in a posting. Additionally, the buyer may add/delete pages to the electronic publication using HTML or URLs.

(9) wherein a single category or an individual item comprise multiple pages within the publication and the buyer is able to specify the order in which the pages are presented for viewing (see at least: Pages 14-I, 15-J to 16-J, 16-L to 17-L, and 21-M). The Examiner notes that by incorporating URLs the publication comprises multiple pages. Additionally, it is determined by the user the order in which those URLs are displayed in the posting to the viewer (i.e. the user is able to specify the order).

Regarding claims 11-13, 15, 18, and 19, the limitations set forth in claims 11-13, 15, 18, and 19 closely parallel the limitations of claims 1-3, 5, 8, and 9. Claims 11-13, 15, 18, and 19 are thereby rejected under the same rationale.

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3. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over PTO 892 U in view of Yamaoka as applied above, and in further view of PTO 892 reference v (herein referred to as 892v).

Regarding claims 6 and 16, PTO 892 U in view of Yamaoka teaches all of the above as noted and further teaches registering with the buyer by sending the buyer an email that includes a reply email address (see at least: Pages 7-9). PTO 892 U in view of Yamaoka, however, does not expressly teach the vendor providing *preferred contact method wherein the preferred contact method is used to send a confirmation message to the vendors confirming successful registration*. 892v teaches a vendor *preferred contact method wherein the preferred contact method is used to send a confirmation message to the vendors confirming successful registration* (see at least: Paragraphs 11 and 27). The Examiner notes that 892v teaches buyers/requestors as well as vendors registering with the online service (see at least: Paragraphs 12-24). Additionally, all users of the service (which thereby includes buyers and vendors) must register with the service (see at least: Paragraph 27). In registering the user provides an email address (i.e. preferred contact) to which a confirmation email is sent. This confirmation email verifies the successful registration and allows the user to activate the newly registered account. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of PTO 892 U in view of Yamaoka to have included *preferred contact method wherein the preferred contact method is used to send a confirmation message to the vendors confirming successful registration* as taught by 892v in order to provide a convenient way of buyers and sellers to have a meeting of the minds (see at least: 892v, Paragraph 30).

4. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over PTO 892 U in view of Yamaoka, as applied above, and further in view of Centner et al . (US 2002/0007324, herein referred to as Centner).

Regarding claims 7 and 17, PTO 892 U in view of Yamaoka teaches all of the above as noted but does not expressly teach *creating an administration section that allows the buyer to organize information relating to the vendors, including the creation of mailing lists that are used to send electronic notifications to the vendors, wherein access to the administration is restricted to the buyer*. Centner teaches *creating an administration section that allows the buyer to organize information relating to the vendors, including the creation of mailing lists that are used to send electronic notifications to the vendors, wherein access to the administration is restricted to the buyer* (see at least: abstract, 0042). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of PTO 892 U in view of Yamaoka to have included *creating an administration section that allows the buyer to organize information relating to the vendors, including the creation of mailing lists that are used to send electronic notifications to the vendors, wherein access to the administration is restricted to the buyer* as taught by Centner in order to provide efficient distribution of a buyer's request-for-quotations to an audience of that buyer's preferred suppliers (see at least: Centner, abstract).

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5. **Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over PTO 892 U in view of Yamaoka as applied above, and further in view of Herr-Hoyman et al. (US 5,727,156, herein referred to as Herr).**

Regarding claims 10 and 20, PTO 892 U in view of Yamaoka teaches all of the above and further teaches providing a home page (i.e. the initial posting page) and multiple other pages within the publication (i.e. linked pages) (see at least: Pages 14-I, 15-J to 16-J, 16-L to 17-L, and 21-M). PTO 892 U in view of Yamaoka, however, does not expressly teach where *all of the other pages include a link that will return the vendors to the home page*. Herr teaches where *all of the other pages include a link that will return the vendors to the home page* (see at least: col. 2 lines 22-42). It would have been obvious to one of ordinary skill in the art at the time of invention to have included where *all of the other pages include a link that will return the vendors to the home page* as taught by Herr in order to provide an easy means of returning to the main page of the listing without having to manually navigate back through the multiple other pages.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
June 8, 2007



Mark Fadok

Primary Examiner